



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/901,692	07/28/97	KAMAKURA	A 1095.1076/JD

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LM71/0923

EXAMINER

KAZIMI, H

ART UNIT

PAPER NUMBER

2765

DATE MAILED: 09/23/99

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Advisory Action

Application No.  
08/901,692

Applicant(s)  
Kawasaki-Shi et al.

Examiner  
Hani Kazimi

Group Art Unit  
2765



## THE PERIOD FOR RESPONSE: [check only a) or b)]

- a) ☐ expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ expires either three months from the mailing date of the final rejection, or on the mailing date of this Advisory Action, whichever is later. In no event, however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

- ☐ Appellant's Brief is due two months from the date of the Notice of Appeal filed on \_\_\_\_\_ (or within any period for response set forth above, whichever is later). See 37 CFR 1.191(d) and 37 CFR 1.192(a).

Applicant's response to the final rejection, filed on Sep 7, 1999 has been considered with the following effect, but is NOT deemed to place the application in condition for allowance:

- ☐ The proposed amendment(s):
- ☐ will be entered upon filing of a Notice of Appeal and an Appeal Brief.
  - ☐ will not be entered because:
    - ☐ they raise new issues that would require further consideration and/or search. (See note below).
    - ☐ they raise the issue of new matter. (See note below).
    - ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
    - ☐ they present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

- ☐ Applicant's response has overcome the following rejection(s): \_\_\_\_\_

- ☐ Newly proposed or amended claims \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claims.
- ☒ The affidavit, exhibit or request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See attached written explanation.

- ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

- ☒ For purposes of Appeal, the status of the claims is as follows (see attached written explanation, if any):

Claims allowed: \_\_\_\_\_

Claims objected to: \_\_\_\_\_

Claims rejected: 1-14

- ☐ The proposed drawing correction filed on \_\_\_\_\_ ☐ has ☐ has not been approved by the Examiner.
- ☐ Note the attached Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Other

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**RESPONSE TO REQUEST FOR RECONSIDERATION**

1. This communication is responsive to the request for reconsideration filed on September 7, 1999.

***Status of Claims***

2. Of the original Claims 1-10, claims 1, and 2 have been amended by Applicants' amendment filed on March 25, 1999. The same amendment has added claims 11-14. Therefore, claims 1-14 are under prosecution in this application.

***Response to Arguments***

3. Applicant's arguments filed September 7, 1999, have been fully considered but they are not deemed to be persuasive, and Applicants' requests to withdrawal the finality, and allowance is respectfully denied.

4. In the request for reconsideration, the applicant argues in substance that;

- a) The Examiner is requested to cite a reference supporting the assertions of the "Official Notice" taken, and what is "old and well known in the art".

- b) In response to arguments on pages 8-10 of the Office Action, the reason given for combining Fraser and Lalonde et al. does not seem to contain any explanation of "where there is

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some teaching, suggestion, or motivation” to modify Fraser to incorporate features found in Lalonde et al.

In response to a);

It is clear that the “Official Notice” was taken that prior approval before browsing information on the network is old and well known in the art. Applicant has attempted to challenge the Examiner’s taking of Official Notice on page 1 thru page 2; however, Applicant has not provided adequate information or argument so that on its face it creates a reasonable doubt regarding the circumstances justifying the Official Notice. Therefor, the presentation of a reference to substantiate the Official Notice is not deemed necessary. The Examiner’s taking of Official Notice has been maintained.

In response to b);

The response to arguments on pages 8-10 of the Office Action was to give a motivation to determine whether prior approval by the consumer is required in combination with the existing “goods and services” products disclosed in Fraser and Lalonde et al. not to indicate a motivation to combine Fraser and Lalonde. However, the motivation to combine Fraser and Lalonde is that, it would have been obvious to one of ordinary skilled in the art at the time the applicant’s invention was made to modify the teachings of Fraser to include the teachings of Lalonde where, the consumer is the person who registers the purchased market information because, it provides a

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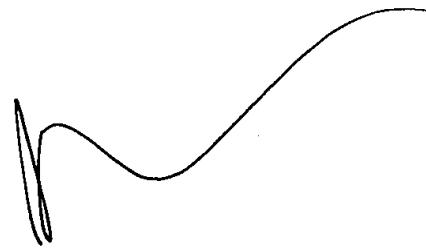
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system that can be useful to both a seller that is selling a product, and a buyer that is looking to purchase a product.

Hani.Kazimi

September 20, 1999

A handwritten signature in black ink, consisting of a stylized 'A' followed by a wavy line.

ALLEN R. MACDONALD  
SUPERVISORY PATENT EXAMINER